

NOT FOR CITATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

eMAG SOLUTIONS LLC,

Plaintiff,

No. C 02-1611 PJH

v.

ORDER

TODA KOGYO CORPORATION, et al.,

Defendants.

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The court is in receipt of a letter dated December 15, 2005, from counsel for plaintiff eMag Solutions LLC, advising the court of plaintiff's intent to notice a motion for certification of a settlement class and a motion for preliminary approval of a partial class action settlement, to be heard on February 8, 2006. The defendants involved in this settlement are Ishigara Sangyo Kaisha, Ltd.; ISK Americas, Inc.; ISK Magnetic Inc.; and Ishihara Corporation USA ("the ISK defendants").


With regard to the proposed motion for preliminary approval of settlement, the court requests that plaintiff include some discussion of whether approval of a partial class action settlement will be in the interests of judicial economy, in view of the fact that an additional motion or motions for approval of a partial class action settlement may be necessary with regard to the remaining defendants, with the attendant hearings and the requirement of notice

1 to the class.

2 In addition, because plaintiff's assertions of antitrust liability are based in on a theory of
3 conspiracy involving all the defendants, the court will require that the non-ISK defendants be
4 permitted to file oppositions to any of the proposed provisions for partial class action
5 settlement.

6
7 **IT IS SO ORDERED.**

8 Dated: December 16, 2005



PHYLLIS J. HAMILTON
United States District Judge